

Hindu Endowments (Amendment) Bill

Bill No. 8/2010.

Read the first time on 26th April 2010.

A BILL

intituled

An Act to amend the Hindu Endowments Act (Chapter 364 of the 1994 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Hindu Endowments (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **New section 17A**

2. The Hindu Endowments Act (referred to in this Act as the principal Act) is amended by inserting, immediately after section 17, the following section:

“Power to form company, etc.

10 **17A.** The Board may, with the approval of the Minister, form or participate in the formation of any company, or enter into any joint venture or partnership, to carry out any of the following:

- (a) the purposes of this Act;
- (b) the functions conferred or activities authorised by this Act;
- 15 (c) the purposes of any endowment administered by the Board pursuant to an order of the Minister under section 18.”.

Repeal and re-enactment of section 21

3. Section 21 of the principal Act is repealed and the following section substituted therefor:

20 **“Powers and functions of Board**

21. The Board shall, with respect to any such endowment, have all such powers as it would have had if it had been named as trustee in the instrument creating the endowment, and in addition may, in any case —

- 25 (a) appoint and remove any employee of any such endowment;
- (b) receive and collect the income of the endowment;
- (c) expend the income —
 - (i) in defraying the expenses of the management of the endowment and of the Board;
 - 30 (ii) in carrying out the purposes of the endowment;

(iii) in promoting social, cultural, educational or other activities that the Board considers to be for the public benefit; and

(iv) in fostering inter-religious communication and harmony;

(d) raise funds by means of voluntary subscriptions, donations or contributions for the purposes of exercising its powers, performing its duties and discharging its obligations under this Act; and

(e) promote or undertake publicity in any form.”.

Amendment of section 24

4. Section 24 of the principal Act is amended —

(a) by deleting “\$400” and substituting “\$5,000”; and

(b) by deleting “\$100” and substituting “\$50”.

New section 34A

5. The principal Act is amended by inserting, immediately after section 34, the following section:

“Protection from personal liability

34A. No suit or other legal proceedings shall lie personally against —

(a) any member of the Board;

(b) the Secretary of the Board; or

(c) any employee of the Board or other person acting under the direction of the Board,

for anything which is in good faith done or intended to be done by him in the execution or purported execution of this Act.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Hindu Endowments Act (Cap. 364) for the purposes of —

- (a) broadening the powers of the Hindu Endowments Board (the Board), including having the power to form a company or to enter into a joint venture or partnership;
- (b) updating the penalties for non-compliance with any requisition or order of the Board; and
- (c) protecting the members of the Board, the Secretary of the Board and any person acting under the direction of the Board from personal liability, in certain circumstances.

Clause 1 relates to the short title and commencement.

Clause 2 introduces a new section 17A to empower the Board, with the approval of the Minister, to form a company, or to enter into a joint venture or partnership, to carry out any of the purposes of the Act, the functions conferred or activities authorised by the Act, and the purposes of any endowment administered by the Board.

Clause 3 repeals and re-enacts section 21 to further empower the Board to expend the income of an endowment administered by the Board in promoting social, cultural, educational or other activities that the Board considers to be for the public benefit, and in fostering inter-religious communication and harmony. The term “public benefit” will include not only the general public but may also include a section of the public. These powers are in addition to those it currently has as if it were named as trustee of the endowment.

Clause 4 amends section 24 to update the penalties for the offence of refusing or wilfully neglecting to comply with any requisition or order of the Board made under the Act, or destroying or withholding any document required by the Board to be produced or transmitted.

Clause 5 inserts a new section 34A to protect members of the Board, the Secretary of the Board and any employee of the Board or other person acting under the direction of the Board from personal liability for anything which is in good faith done or intended to be done in the execution or purported execution of the Act.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
